

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 15-23, 27 and 28 were pending. By the present response, claims 16-23 and 27-28 have been amended, claim 15 has been canceled, and claim 29 has been added. Thus, upon entry of the present response, claims 16-23 and 27-29 are pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: page 11, lines 5-24.

Entry of the forgoing is appropriate pursuant to 37 C.F.R. §1.116 for at least the following reasons. First, the amendments clearly overcome the grounds of rejection. Second, the amendments place the application in better form for an appeal.

CLAIM REJECTIONS UNDER 35 U.S.C. §§102/103

Claims 15-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 7,022,776 to Bastiaens et al. (hereafter "*Bastiaens et al.*") on the grounds set forth in paragraph 3 of the Official Action of February 21, 2008.

The present invention is directed to a composition having good mechanical properties, such as good impact strength, as well as good paintability using an electrostatic paint deposition process, especially at high temperatures.

By the present response, claim 15 has been canceled and has been replaced by newly presented claim 29. Thus, the above-noted grounds for rejection have been obviated. With respect to newly presented claim 29, the composition formed according to the principles of the present invention is set forth therein:

29. A composition comprising:

a thermoplastic matrix consisting of a polyamide, a copolyamide, a blend of polyamides, or a blend of copolyamides; and

a dispersed phase comprising at least one impact modifier, said dispersed phase containing at least one electrically conductive filler in an amount sufficient to provide the composition with a level of conductivity suitable for painting by a electrostatic technique.

As evident from the above, claim 29 is directed to a composition comprising "a thermoplastic matrix consisting of a polyamide, a copolyamide, a blend of polyamides, or a blend of copolyamides." By contrast, *Bastiaens et al.* is directed to a composition having a thermoplastic matrix composed of a polyphenylene ether copolymer/polyamide blend. Therefore, *Bastiaens et al.* clearly fails to disclose a composition having the thermoplastic matrix set forth in newly presented claim 29.

The composition defined by claim 29 also requires at least one electrically conductive filler contained within the dispersed phase. Providing the electrically conductive fillers within the dispersed phase as opposed to providing the fillers in bulk into the matrix provides significant advantages over the prior art. For example, as discussed on pages 2-3 of the present specification, the composition formed according to the principles of the present invention makes it possible to effectively disperse the fillers within a polyamide-matrix based composition, limits sheer induced structural rupture of the final plastic parts, provides the material with a lower melt viscosity, results in plastic parts having a linear thermal expansion coefficient,

provides plastic parts having good thermal resistance, good appearance, and good moldability.

Nowhere does *Bastiaens et al.* disclose, or even suggest, that the electrically conductive filler be provided in the dispersed phase within a polyamide matrix. To the contrary, all of the methods described by *Bastiaens et al.* for formulating the material suggest to those ordinary skill in the art that the electrically conductive filler should be incorporated into the polyphenylene ether copolymer/polyamide blend. See, e.g., column 15, lines 38-62 of *Bastiaens et al.*

While acknowledging this deficiency, it is nonetheless asserted in the grounds for rejection, that:

It would have been obvious to one of ordinary skill in the polymer processing art at the time the invention was made to masterbatch the two components together since it would be within the level of ordinarily skilled artisan to vary the blending order of the components to yield a predictable result of producing a polyamide blend containing uniformly distributed filler and impact modifier.

This assertion is respectfully traversed.

First, the above-quoted assertion ignores the suggestions of the explicit disclosure of *Bastiaens et al.* which are contrary thereto. Namely, *Bastiaens et al.* teaches incorporating an electrically conductive filler into a polyamide-containing matrix.

Second, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to provide the electrically conductive filler in a dispersed phase of impact modifiers as alleged. Applicants respectfully submit that a person skilled in the art would consider, in light of the teachings of *Bastiaens et al.*, that an addition of electrically conductive filler that was not intimately mixed within the

polyamide-containing portion of the composition would be undesirable due to an expected loss of conductivity of the polyamide-containing composition. Therefore, for at least this additional reason, it would not have been obvious to one of ordinary skill in the art to have confined the addition of electrically conductive filler to an impact modifier within a phase dispersed within a polyamide matrix, as required by the presently claimed invention.

The remaining claims depend from claim 29. Thus, these claims are also distinguishable over *Bastiaens et al.* for at least the same reasons noted above.

Claims 15-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over EP 0 535 955 B1 to Hagimori et al. (hereafter "*Hagimori et al.*") on the grounds set forth in paragraph 7 of the Official Action of February 21, 2008.

As noted above, by the present response, claim 15 has been canceled, thereby obviating the above-noted grounds for rejection. With respect to newly added claim 29, as noted above, claim 29 requires a composition having a thermoplastic matrix consisting of a polyamide, a copolyamide, a blend of polyamides, or a blend of copolyamides. By contrast, *Hagimori et al.* discloses a composition having a thermoplastic matrix formed by a combination of polyphenylene ether alone or in combination with a styrene polymer, in addition to a polyamide component. See, e.g., page 3, lines 3-6 of *Hagimori et al.* Thus, *Hagimori et al.* clearly fails to disclose at least this aspect of newly presented claim 29.

In addition, *Hagimori et al.* clearly suggests that the filler material be combined with the polyamide blend (see, e.g., page 7, lines 6 and 30-31: "The

foregoing polyphenylene ether polyamide blends may further comprise inorganic fillers such as talc, aluminosilicate, mica, carbon black . . . all ingredients fed together either from the first feed opening or the second feed opening were mixed well by a tumbler mixer prior to the feeding.").

Therefore, as is the case with *Bastiaens et al.*, *Hagimori et al.* also fails to disclose or suggest at least this aspect of the composition defined by claim 29. In fact, the grounds for rejection fail to even allege that *Hagimori et al.* discloses, or suggests, this requirement.

Although the grounds for rejection are couched as alternative grounds under either anticipation or obviousness, the grounds for rejection set forth in paragraph 7 of said Official Action contains no obviousness rationale whatsoever.

The remaining claims depend from claim 29. Thus, these claims are also distinguishable over *Hagimori et al.* for at least the same reasons noted above.

Claims 15-23, 27 and 28 stand rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 2003/0134963 to Miyoshi et al. (hereafter "*Miyoshi et al.*") on the grounds set forth in paragraph 8 of the Official Action of October 3, 2008. For at least the reasons noted below, this rejection should be withdrawn.

By the present response, claim 15 has been canceled, thereby obviating the above-noted grounds for rejection.

With respect to newly presently claim 29, as previously noted herein, claim 29 requires, *inter alia*, "a thermoplastic matrix consisting of a polyamide, a copolyamide, and blend of polyamides, or a blend of copolyamides." By contrast, *Miyoshi et al.* is directed to a composition having a resinous matrix component formed from a mixture

of polyamide and a polyphenylene ether. See, e.g., paragraph [0024] of *Miyoshi et al.* Thus, *Miyoshi et al.* clearly fails to disclose, or even suggest, at least this aspect of newly presented claim 29. The remainder of the above-noted claims has been amended such that they now depend from newly presented claim 29. Thus, these claims are also distinguishable over *Miyoshi et al.* for at least the same reasons noted above.

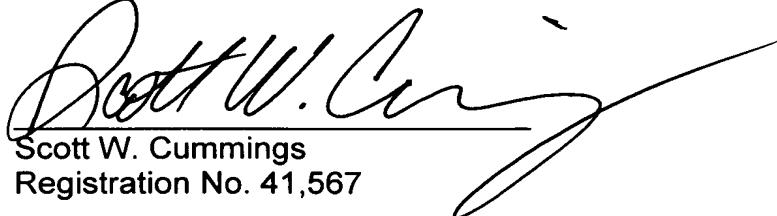
CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 29, 2008

By: 
Scott W. Cummings
Registration No. 41,567

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620